

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO. 4:14-cv-00151-D**

TOWN OF BELHAVEN, NC; and)
THE NORTH CAROLINA NAACP)
STATE CONFERENCE OF BRANCHES,)
THE HYDE COUNTY NAACP BRANCH,)
and THE BEAUFORT COUNTY NAACP)
BRANCH,)

Plaintiffs,)

v.)

PANTEGO CREEK, LLC and)
VIDANT HEALTH, INC.,)

Defendants.)

MOTION FOR EXTENSION OF TIME

Fed. R. Civ. P. 6 and Local Civ. R. 6.1

Pursuant to Local Civil Rule 6.1 and Rule 6 of the Federal Rules of Civil Procedure, Defendant University Health Systems of Eastern Carolina, Inc. d/b/a Vidant Health (“Vidant”)¹ respectfully requests an additional thirty (30) days in which to answer or otherwise plead in response to Plaintiffs’ Complaint. In support of this Motion, Vidant states as follows:

1. Plaintiffs filed their Complaint and served it on counsel for Vidant on August 14, 2014.
2. Vidant and Defendant Pantego Creek, LLC removed the case to this Court on August 19, 2014.

¹ Plaintiffs’ Complaint lists “Vidant Health, Inc.” as a defendant. That is not a legal entity. University Health System of Eastern Carolina, Inc. does business under the name Vidant Health.

3. Pursuant to Fed. R. Civ. P. 81(c)(2)(A), Vidant's Answer or other responsive pleadings is due on September 4, 2014.

4. Vidant has not previously sought or received an extension of time to Answer or otherwise plead.

5. An extension is necessary in light of the litigation and travel schedules of persons whose information is needed to prepare responsive pleadings and the anticipated travel schedules of counsel, particularly surrounding the Labor Day holiday.

6. Defendants' counsel jointly contacted Plaintiffs' counsel on August 22, 2014, on August 25, 2014, and again on August 26, 2014, requesting their consent to an extension of time. Plaintiffs' counsel have been non-responsive to each such request.

WHEREFORE, Defendant Vidant respectfully requests that the Court enter an Order extending the time in which Vidant may Answer or otherwise plead in response to Plaintiffs' Complaint by thirty (30) days to October 3, 2014.

Respectfully submitted this 26th day of August, 2014.

K&L GATES LLP
*Attorneys for Defendant University Health Systems
of Eastern Carolina, Inc. d/b/a Vidant Health*

By: /s/ Gary S. Qualls
Gary S. Qualls
N.C. State Bar No. 16798

/s/ Susan K. Hackney
Susan Hackney
N.C. State Bar No. 32252

/s/ Kathryn F. Taylor
Kathryn F. Taylor
N. C. State Bar No. 43933

430 Davis Drive, Suite 400
Morrisville, NC 27560
Telephone: (919) 466-1182
Facsimile: (919) 516-2072
gary.qualls@klgates.com
susan.hackney@klgates.com
kathryn.taylor@klgates.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION FOR EXTENSION OF TIME** was served upon the following by depositing a copy of the same in the United States Mail, first-class postage, prepaid, and addressed as follows:

John B. Tate III
P.O. Box 700
Chocowinity, NC 27817

Alan McSurely
109 N. Graham St., Suite 100
Chapel Hill, NC 27516

Scott C. Hart
Post Office Drawer 889
New Bern, NC 28563

This 26th day of August, 2014.

By: /s/Gary S. Qualls
N.C. State Bar No. 16798

K&L Gates LLP
430 Davis Drive, Suite 400
Morrisville, NC 27560
Telephone: (919) 466-1182
Facsimile: (919) 516-2072
gary.qualls@klgates.com

*Attorneys for Defendant University Health Systems
of Eastern Carolina, Inc. d/b/a Vidant Health*